

**REQUEST FOR QUALIFICATIONS  
Notice to Prospective Proposers**

December 1, 2004

You are invited to review and respond to this Request for Qualifications (RFQ), entitled RFQ#0401 PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE HABITAT MANAGEMENT, PRESERVATION, AND RESTORATION PLAN FOR THE SUISUN MARSH. In submitting your proposal, you must comply with these instructions.

Note that all agreements entered into with the State of California will include by reference General Terms and Conditions (GTC 304) and Contractor Certification Clauses (CCC 304) that may be viewed and downloaded at Internet site <http://www.ols.dgs.ca.gov/Standard+Language/default.htm>. If you do not have Internet access, a hard copy can be provided by contacting the person listed below.

In the opinion of the Department of Fish and Game, this RFQ is complete and without need of explanation. However, if you have questions, or should you need any clarifying information, the contact person for this RFQ is:

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Please note that no *verbal* information given will be binding upon the State unless such information is issued in writing as an official addendum.

Sonny Olaso  
Contract Administrator

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## A) PURPOSE AND DESCRIPTION OF SERVICES

### 1. Introduction

The California Department of Fish and Game, herein referred to as "Department" is managing the preparation of a Programmatic Environmental Impact Report (PEIR)/ Programmatic Environmental Impact Statement (PEIS) with the United States Bureau of Reclamation (Reclamation) and United States Fish and Wildlife Service (USFWS), the "lead agencies" under the National Environmental Policy Act (NEPA) for the PEIS. The "lead agency" under the California Environmental Quality Act (CEQA) for the PEIR is the Department. The PEIR/EIS will be prepared to provide NEPA and CEQA compliance for the Habitat Management, Preservation, and Restoration Plan for the Suisun Marsh (SMP).

The SMP will serve as the CALFED Bay-Delta Program's Ecosystem Restoration Program (ERP) regional implementation plan for the Suisun Marsh portion of the Suisun Marshlands and Bay Ecological Management Unit and will address the Bay-Delta Program's implementation over the next 30 or more years. The SMP will outline the actions needed in Suisun Marsh to preserve and enhance managed seasonal wetlands, restore tidal marsh habitat, implement a comprehensive levee protection/improvement program, and protect ecosystem and drinking water quality within the Suisun Marsh. The SMP will be consistent with the goals and objectives of the ERP, and balance them with the Suisun Marsh Plan of Protection, Federal and State Endangered Species Acts, and other management and restoration programs within the Suisun Marsh in a manner responsive to the concerns of all stakeholders, and based upon voluntary participation by private landowners. The SMP will also provide for simultaneous protection and enhancement of: (1) The Pacific Flyway and existing wildlife values in managed wetlands, (2) endangered species, (3) tidal marshes and other ecosystems, and (4) water quality, including, but not limited to, the maintenance and improvement of levees. The SMP and related environmental documentation will also address two site-specific actions: an amendment to the Suisun Marsh Preservation Agreement and renewal of the Suisun Marsh Regional General Permit. The site-specific level of detail for these actions will constitute the final CEQA and NEPA documentation for these two actions. These preceding series of actions are herein referred to as the "project". For additional information, visit <http://www.delta.dfg.ca.gov/suisunmarsh/charter>

A substantial planning foundation has already been laid. A Suisun Marsh Charter Group has been formed. The SMP will be prepared primarily by Suisun Marsh Charter agency staff. The SMP will need to be approved by the Suisun Marsh Charter agency Principals. A Science Advisor is being sought and a Technical Advisory Group is being formed to provide independent evaluation of parts of the SMP. Progress has already been made on supporting elements of the SMP. For instance, most of the Geographic Information System (GIS) based habitat and land use information has been collected. Remaining GIS based material needed for the SMP will be provided by the Department.

The Department invites proposals from qualified firms to provide services for the preparation of a PEIR/EIS that analyzes the environmental impacts of the proposed project and alternatives to the proposed project. For this project, the Department will supervise the consultant who will prepare the PEIR/EIS. The Department, in collaboration with the Suisun Marsh Principals, will provide a facilitation and oversight role in the process.

The following PROJECT BACKGROUND and SCOPE OF SERVICES sections of this package, and references to additional supporting project resources and material, provide a description of the overall goals and objectives, the area of study, and the anticipated method of analysis. Refer, also to the final Scoping Report and material prepared for the scoping meetings which were held on November 25, 2003, December 4, 2003, and December 10, 2003. Access the scoping report at: <http://www.delta.dfg.ca.gov/suisunmarsh/charter/scopingreport.asp>

This long-term planning effort has been underway, and the following tasks have been accomplished:

1. Creation of the Suisun Marsh Charter Group
2. Preparation and filing Notice of Intent (NOI)/Notice of Preparation (NOP)
3. Development of a project schedule and project management approach
4. Development of a project website
5. Three public scoping sessions
6. Science Workshop identifying the state of the science in the Suisun Marsh

7. Final scoping report
8. Initial drafts of several conceptual models
9. Development of a Public Participation Plan
10. Listing of preliminary objectives, goals, and actions related to the Suisun Marsh based on the scoping input received and

Adaptive management (As described in the Ecosystem Restoration Program's Strategic Plan at <http://www.calwater.ca.gov/Programs/EcosystemRestoration/EcosystemRestorationPlans.shtml>) will be a central feature of the restoration effort. Restoration and management projects will be implemented in phases, to allow scientists to observe the effects and successes of the initial actions, and adjust the design and implementation of the remaining phases as needed. To support the adaptive management program, the restoration planning effort will include monitoring that will be integrated with a larger, regional monitoring strategy currently under development for the CALFED Bay-Delta Program's ERP.

## **2. Project Background**

**PROJECT LOCATION** - The Suisun Marsh falls within the CALFED Bay-Delta Program's Suisun Marsh and North San Francisco Bay Ecological Management Zone (EMZ). Suisun Marsh is that portion of San Francisco Bay downstream of the Delta and upstream of the Central San Francisco Bay. The EMZ is further divided into five units of which the Suisun Marsh is within the Suisun Marshlands and Bay Ecological Management Unit. The SMP applies to the approximate 130,600-acre area defined as the Suisun Marsh whose boundary overlaps the Suisun Resources Conservation District boundary and is as identified in Figure 1 (see attached). The local land use jurisdictions in the SMP area are Solano County and the San Francisco Bay Conservation and Development Commission.

**ENTITLEMENTS** - The project under evaluation is the SMP which will be prepared to support the participating jurisdiction's request for federal consultation and incidental take authorization under Section 7 of the ESA and an Incidental Take Permit (ITP) under Section 2081 of the California Fish and Game Code. The jurisdictions requesting take authorization from the USFWS and NOAA Fisheries are the Department, the Suisun Resources Conservation District, its landowners, USFWS, U.S. Army Corps of Engineers, Reclamation, and the California Department of Water Resources. The jurisdictions requesting an ITP from the Department are the Suisun Resources Conservation District, its landowners, and the California Department of Water Resources. United States Army Corps of Engineers and San Francisco Bay Conservation and Development Commission permits will also be sought. Permitting will also comply with the documentation and consulting requirements of the Magnusson Terns Fishery Management and Conservation Act.

**ENVIRONMENTAL DETERMINATION** - A PEIR/EIS will be prepared in accordance with NEPA and CEQA to analyze the potential environmental impacts of the project and project alternatives. Impact analysis will be required for an estimated total of 4-5 final alternatives, including the proposed project and no-action alternative. The USFWS and Reclamation are the lead agencies under NEPA. The Department is the lead agency under CEQA. Cooperating agencies include NOAA Fisheries and the US Army Corps of Engineers. Responsible, participating agencies with which the lead agencies will closely coordinate include the San Francisco Bay Conservation and Development Commission and State Water Resources Control Board. The Department will manage the preparation of the PEIS/EIR for the Suisun Marsh Charter Principals. The selected PEIR/EIS consultant shall report directly to the Department in all matters concerning the preparation of the PEIR/EIS.

## **3. Resources For Project Information**

**NOP/NOI:** The lead agencies have already prepared the NOP/NOI for a public review based on the project description, draft project objectives, draft project goals and actions, draft components for alternatives, and potential impacts to be analyzed in the PEIR/EIS. The NOP/NOI served as notice for public scoping meetings that were held in late 2003 during the NOP/NOI review period on November 25, December 4 and December 10. That scoping period extended from November 7, 2003 to February 9, 2004. The final scoping report is available on line at <http://www.delta.dfg.ca.gov/suisunmarsh/charter/scopingreport.asp>

**Project Reference Material:** The consultant shall be responsible for reviewing reference materials relevant to the project. The materials will include, but not be limited to the following:

CALFED Bay-Delta Program. July 2000. Ecosystem Restoration Program Plan, Vol. 1: Ecological Attributes of the San Francisco Bay-Delta Watershed. 532 pp.

<http://www.calwater.ca.gov/Programs/EcosystemRestoration/EcosystemRestorationPlans.shtml>

CALFED Bay-Delta Program. July 2000. Ecosystem Restoration Program Plan, Vol. II: Ecological Management Zone Visions. 418 pp.

<http://www.calwater.ca.gov/Programs/EcosystemRestoration/EcosystemRestorationPlans.shtml>

CALFED Bay-Delta Program. July 2000. Multi-Species Conservation Strategy.

<http://calwater.ca.gov/Programs/EcosystemRestoration/EcosystemMultiSpeciesConservationStrategy.shtml>

Department of Water Resources. 1984. Plan of Protection for the Suisun Marsh Including Environmental Impact Report. 176 pp + appendices.

Department of Fish and Game, Department of Water Resources, U.S. Bureau of Reclamation, and Suisun Resource Conservation District. June 1998. Draft Environmental Assessment and Initial Study for Amendment Three to the Suisun Marsh Preservation Agreement. 97 pp + appendices.

<http://www.iep.water.ca.gov/suisun/docs>

Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation. November 2004. Notice of Preparation/Notice of Intent to prepare a programmatic environmental impact statement/environmental impact report and hold public scoping meetings for the Habitat Management, Preservation, and Restoration Plan for the Suisun Marsh, Solano County, California.

Goals Project. 1999. Baylands Ecosystem Habitat goals. A report of habitat recommendations prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. U.S. Environmental Protection Agency, San Francisco, Calif./S.F. Bay Regional Water Quality Control Board, Oakland, Calif.

<http://www.sfei.org/sfbaygoals/docs/goals1999/final031799/pdf/sfbaygoals031799.pdf>

Scoping Report for the Habitat Management, Preservation, and Restoration Plan for the Suisun Marsh Programmatic Environmental Impact Statement/Report, May 2004,

<http://www.delta.dfg.ca.gov/suisunmarsh/charter>

State Water Resources Control Board. 1978. Water Right Decision 1485.

State Water Resources Control Board. 1995. Water Quality Control Plan.

[http://www.waterrights.ca.gov/baydelta/html/1995\\_Plan.htm](http://www.waterrights.ca.gov/baydelta/html/1995_Plan.htm)

State Water Resources Control Board. 1999. Water Right Decision 1641

<http://www.waterrights.ca.gov/hearings/decisions/WRD1641.pdf>

U.S. Bureau of Reclamation, California Department of Water Resources, California Department of Fish and Game, and Suisun Resource Conservation District. 1987. Suisun Marsh Preservation Agreement. March 2, 1987

Suisun Ecological Workgroup Final Report. 2001.

[http://www.iep.ca.gov/suisun\\_eco\\_workgroup/final\\_report/SEWFinalReport.pdf](http://www.iep.ca.gov/suisun_eco_workgroup/final_report/SEWFinalReport.pdf)

U.S. Army Corps of Engineers. April 2000. Regional General Permit for Activities in the Suisun Marsh, File Number 24215N.

While most of these documents are also available on-line, the Department will also provide access to the referenced documents. The documents will be located at 4001 North Wilson Way, Stockton, California. These documents will assist individuals preparing SOQs in response to this RFQ by providing background material for the proposed project. It is the responsibility of the consultant to obtain and review these documents.

#### **4. Scope Of Services**

The consultant shall accomplish all work necessary to prepare a complete and legally adequate PEIR/EIS. The PEIR/EIS will provide an analysis of the potential impacts associated with the proposed project and project alternatives (4-5 final alternatives are currently anticipated), including all relevant issues raised during public review of the NOP/NOI and the public scoping meetings. The work shall include, but not be limited to, research, data collection, evaluation, impact analysis, approaches for future amendments to the SMP, participation in management of the administrative record, and consultation with the lead, cooperating, or participating, responsible agencies, participating jurisdictions, concerned persons, and organizations. The consultant shall be responsible for printing all documents.

Timing on completion of the SMP is uncertain given the collaborative nature of the SMP. We hope to have the basic plan and alternatives completed by the end of 2005, with the Administrative PEIR/EIS following shortly after. The Department realizes that multi species, regional restoration planning is complex and by necessity needs to incorporate an adaptive management element. The related requirements for compliance with CEQA and NEPA for such a plan are evolving, therefore, the scope of work for this project will likely need to be modified as the SMP is developed.

Coordination between the lead agencies and participating jurisdictions will be necessary to prepare a comprehensive project description and identify any impacts and mitigation measures not previously considered in earlier environmental documents. The selected consultant shall play a key role in facilitating that coordination under the direction of the Suisun Marsh Charter Principals and with the support of the Center for Collaborative Policy.

**Initiation:** The selected consultant shall be required to attend a kickoff meeting with staff from the Department and the other Suisun Marsh Charter Principal agencies within one week of the Notice to Proceed. The meeting will discuss at a minimum the procedural requirements, project description, sources of additional information, the scope and treatment of environmental issues, discussion of how future amendments to the SMP will be addressed, description of the draft range of alternatives, discussion of how the conceptual models will be used in developing the Draft PEIR/EIS, discussion of the role the Science Advisor will have with respect to preparing the environmental document, document formats, administrative record maintenance requirements, and the project schedule. Agency staff and/or Writing Group members with expertise in NEPA/CEQA compliance will be included in this meeting.

**Alternative Refinement:** The selected consultant will assist the Writing Group and Principals with refinement of four to five alternatives that will be analyzed in the Draft PEIR/EIS. The no project and preferred alternative plus two to three additional alternatives will be prepared for analysis. Assistance will include evaluating the alternatives in relation to the conceptual models. The consultant will coordinate with the Science Advisor, if retained, at the direction of the Principals.

**Prepare Administrative Draft PEIR/EIS:** The selected consultant shall prepare an Administrative Draft (AD) PEIR/EIS for review by the lead and cooperating agencies. The AD PEIR/EIS shall contain all required information and chapters. The selected consultant shall print and provide copies of the document for the lead and cooperating agencies. The AD PEIR/EIS shall be provided in both electronic format and hard copy.

**Prepare Draft EIR/EIS:** The selected consultant shall prepare the public Draft PEIR/EIS by responding to and incorporating comments/revisions received during the AD PEIR/EIS review period. The consultant shall be responsible for printing and handling of the public distribution/mailing of the Draft PEIR/EIS.

The consultant shall provide a camera-ready and an electronic copy of the document in a software format approved by the Department. Where procedures for the PEIR/EIS under NEPA differ from those required under CEQA, the consultant shall follow all required provisions under both acts.

**Draft PEIR/EIS Public Comment Meeting:** The selected consultant may be asked to participate in up to three (3) public comment meetings or hearings during the Draft PEIR/DEIS comment period. Consultant shall collaborate with the organization providing facilitation and collaborative process support to the Principal Agencies, the Charter Group Public Participation Advisory Committee, and the Center for Collaborative Policy (CCP) in preparing, conducting, and summarizing those meetings.

**Prepare Responses to Public Comments:** The selected consultant shall organize and summarize by resource area (e.g., water supply, fisheries, economics, and land use) all comments received during the Draft PEIR/EIS comment period. The consultant will prepare responses to all comments in collaboration with representatives from the lead and cooperating agencies and shall incorporate those responses in an administrative draft of the Final PEIR/EIS for review by lead and cooperating agencies.

**Prepare an administrative draft of the Final PEIR/EIS:** The selected consultant shall prepare an administrative draft of the Final PEIR/EIS for review by the lead and cooperating agencies. The PEIR/EIS shall contain all required chapters with revisions based on the response to comments. The consultant shall print and provide copies of the document for review by the lead and cooperating agencies. The PEIR/EIS shall be provided in both electronic format and hard copy.

**Prepare and Circulate Final PEIR/EIS:** The selected consultant shall prepare the Final PEIR/EIS and perform the necessary administrative tasks to release the document for the required public review. (See page ten for # of copies)

**Prepare Mitigation, Monitoring, and Reporting Plan (MMP):** The selected consultant shall prepare a MMP.

**Prepare Findings of Fact and Record of Decision:** The selected consultant shall prepare the Findings of Fact and Record of Decision in accordance with the latest CEQA and NEPA requirements and in an appropriate format for agency review.

**Maintenance of Administrative Record:** From the point of receiving the Notice to Proceed, the selected consultant will manage and maintain the administrative record associated with the PEIR/EIS.

**SCOPE OF THE PEIR/EIS:** The PEIR/EIS is intended to be a regional analysis of the Suisun Marsh to guide future restoration and management actions. It will also provide the site specific analysis needed for the next amendment to the Suisun Marsh Preservation Agreement and the Regional General Permit. Additional site specific analyses will be developed for other future specific actions after this document is approved and will tier from this document.

The following section identifies the environmental goals that will be analyzed in the SMP PEIR/EIS. The general approach to the impact analysis will include describing the affected environment/existing conditions, establishing the methodology for the analysis, determining and identifying the thresholds of significance, identifying impacts, identifying feasible alternatives to the project which could reduce expected impacts, identifying feasible mitigation measures or methods to avoid or minimize significant impacts, identifying unavoidable significant and adverse impacts, identify the relationship between short-term uses and long-term productivity, irreversible and irretrievable commitments of resources and adaptive management. Within each environmental section, the PEIR/EIS will describe the remaining level of significance of the impacts after applying the proposed mitigation measures.

**Intended Use of the PEIR/EIS:** The programmatic environmental document is intended to have multiple purposes and uses. The document will be certified by the USFWS and Reclamation and the Department, as lead agencies for the NEPA and CEQA compliance, respectively, in their consideration of the SMP, including the site-specific actions of an amendment to the SMPA and renewal of the RGP. The Department will use the PEIR/EIS in support of its issuance of ITPs. The document may also be individually certified by NOAA Fisheries, SRCD, BCDC, U.S. Army Corps of Engineers, State Water Resources Control Board, and Regional Water Quality Control Board as part of each jurisdiction's respective consideration and action and request for consultation or an ITP. The PEIR/EIS will also support the development of a Biological Assessment or an Action Specific Implementation Plan as the necessary documentation to allow for granting of incidental take by the USFWS and NOAA Fisheries for the site-specific actions of an amended SMPA and renewed RGP.

**Format of the PEIR/EIS:** The Consultant shall use the formats and thresholds defined by the Suisun Marsh Charter Principals, CEQ Regulations 1508.27, and CEQA for determining significant impacts, except where recommendations are required or specified in the RFQ. The Consultant shall submit for project staff review and shall revise as necessary, each chapter and/or completed task as appropriate to this scope of work.

**SMP GOALS FOR PEIR/EIS:** Significant amounts of the data and analysis necessary to prepare the PEIR/EIS are contained in existing documents as referenced above. The following goals, as developed through the public scoping period, are to be addressed in the PEIR/EIS:

- Rehabilitate natural processes where feasible in the Suisun Marsh to more fully support, with minimal human intervention, natural aquatic and associated terrestrial biotic communities and habitats, in ways that favor native species of those communities, with a particular interest in waterfowl and sensitive species.
- Protect, restore, and enhance habitat types where feasible in the Suisun Marsh for ecological and public values such as supporting species and biotic communities, ecological processes, recreation, scientific research, and aesthetics.
- Provide long-term protection for multiple Suisun Marsh resources by maintaining and improving the integrity of the Suisun Marsh levee system.
- Prevent the establishment of additional non-native species and reduce the negative ecological and economic impact of established non-native species in the Suisun Marsh.
- Improve and/or maintain water and sediment quality conditions to provide good quality water for all beneficial uses and fully support healthy and diverse aquatic ecosystems in the Suisun Marsh; and to eliminate, to the extent possible, toxic impacts to aquatic organisms, wildlife, and people.
- Maintain the heritage of waterfowl hunting and increase the surrounding communities' awareness of the ecological values of the Suisun Marsh.
- Develop and implement a Plan that: (1) addresses long-term funding, (2) creates an efficient and reliable regulatory climate, (3) promotes effective management practices, and (4) improves coordination of activities among agencies within and adjacent to the Suisun Marsh.

**SPECIFIC ISSUES:** Each lead agency may have specific issues that need to be addressed. Pursuant to NEPA, an issue is an effect on a physical, biological, social or economic resource. An issue is the projected effects (or a perceived effect, risk, or hazard) of the activity. Consistent with CEQ Regulations the NEPA lead agencies are responsible for a clear and efficient definition of issues.

The following are preliminary issues that may be addressed in the PEIR/EIS. The final issues will be provided by the Suisun Marsh Principal Agencies, with the assistance of the selected contractor:

- Impacts of incidental take of listed fish, wildlife, and plants with respect to seasonal wetland management practices, tidal wetlands restoration, and levee maintenance
- Impacts of catastrophic levee failures on wildlife resources including listed species
- Habitat quality of Suisun Marsh lands for species covered by the MSCS
- Water quality effects on fish, wildlife, and plants and water quality effects of catastrophic levee failures versus planned tidal wetlands restoration
- Air quality
- The level of effectiveness of the monitoring and adaptive management provisions of the SMP.

**RESOURCE AREAS TO BE CONSIDERED IN THE PEIR/EIS:** The following list is not all-inclusive and resource areas are among those areas to be considered in the document. The NOI/NOP identifies several other areas, as well as need to address whether any environmental justice issues might be associated with the plan and potential for presence of any Indian Trust Assets. Also, the document will need to analyze the direct, indirect, and cumulative impacts of all the final alternatives, not just the proposed project.

**Land Use** – The PEIR/EIS will evaluate the impacts of existing and future urbanization and infrastructure construction in areas surrounding the Suisun Marsh.

**Conversion of Duck Clubs and Agricultural Lands** – The PEIR/EIS will evaluate the impact of the project on conversion of agricultural lands and managed wetland duck clubs. The loss of agricultural land, the type of soil, its classification and its importance to the region as well as its permanent conversion to urban uses and marsh and wetlands will be discussed. Significant analysis is contained in the documents referenced above.

**Air Quality** – The PEIR/EIS will address the project's impact on regional air pollutants and their precursors as well as localized carbon monoxide impacts. The analysis will address both direct, indirect (long-term) and construction level (short-term) impacts.

**Soils** – Geology and soils will be addressed in the PEIR/EIS. Implementation of the SMP will require the disruption, compaction and over covering of soil to change topography and relief feature to create habitat. Marsh-wide soil-related impacts need to be addressed for areas that could conceptually be proposed for restoration. Existing documents contain most of the necessary information to respond to these issues. Minimal additional analysis is expected.

**Water Quality/Water Supply/Drainage/Flooding** – The PEIR/EIS will address issues regarding drainage, flooding, water supply and water quality (Clean Water Act). ). Regarding water supply, we the SMP and PEIR/EIS will not encompass the larger issue of SWP/CVP water supply. Water quality parameters that could be assessed include mercury, salinity, and dissolved oxygen.

**Biological Resources** – The SMP is designed to minimize and mitigate direct, indirect and cumulative impacts to fish and wildlife in the Suisun Marsh including all listed species and species of special concern resulting from management or restoration of the Marsh. The PEIR/EIS will analyze the impacts to species as a result of SMP implementation. The PEIR/EIS will provide an analysis for listed species and species of special concern for the alternatives evaluated and for the two site specific actions, the amendment to the SMPA and the RGP.

**Cultural/Historical Resources** – The PEIR/EIS will identify and evaluate any potentially historic and/or archaeological impacts. The PEIR/EIS will also identify and evaluate the impact of the project on any consultations with the State Historic Preservation Officer and/or State Reclamation Board should negotiations take place regarding mitigation strategies on identified potentially significant impacts. These strategies and/or mitigation measures will be discussed in the PEIR/EIS. Existing documents contain most of the necessary information to respond to these issues. No major additional analysis is expected.

**Socio/Economic** - The PEIR/EIS will evaluate interference with existing agriculture and waterfowl and upland game hunting activities, and the loss of tax revenue that may occur as lands are converted to tidal action. Existing documents may contain most of the necessary information to respond to these issues. Minimal additional analysis is expected.

**GROWTH INDUCING AND CUMULATIVE IMPACTS:** In accordance with CEQA and NEPA requirements, an analysis of the cumulative impacts will be undertaken and discussed in the PEIR/EIS. In compliance with CEQA requirements, the PEIR/EIS will address the potential for growth inducing impacts of the project focusing on whether there will be a removal of any impediments to growth associated with project.

**ALTERNATIVES:** Potential alternatives to be considered in the PEIR/EIS include, but are not limited to:

- Proposed Project
- No Action/No SMP
- Variation of Restoration approaches
- Variation of seasonal wetland management and enhancement measures
- Variation in the relative levels of Restoration and Management enhancements; with various water quality and levee components

Alternatives to be considered will be chosen by the Suisun Marsh Charter Principals.

**PROJECT DELIVERABLES:** The deliverable work items include the following:

- The Administrative Draft PEIR/EIS;
- The Screen check Draft PEIR/EIS;
- The Draft PEIR/EIS;
- The Draft PEIR/EIS burned onto CDs in a format approved by the Principals (e.g. pdf);
- Copies of all applicable technical appendices, if separately bounded;
- The Administrative Final PEIR/EIS;
- The screen check Final PEIR/EIS;
- The Final PEIR/EIS with technical appendices;
- The Final PEIR/EIS burned onto CDs in a format approved by the Principals (e.g. pdf);
- The Findings of Fact and Record of Decision;
- Camera-ready copies of each of the above and 2 CDs with an electronic version of each of the final products in a format approved by the Principals that can be readily modified (i.e. Word).

**MEETINGS:** The consultant should allow for participation in up to six (6) meetings in the Sacramento, Fairfield, or Stockton areas with Suisun Marsh Charter agency staff and CCP prior to release of the Draft PEIR/EIS and six (6) meetings for the adoption and certification process by federal, state and local agencies. These meetings are in addition to the kick-off meeting and the meetings during the DEIR/DEIS public comment period. Further meetings will be reimbursed on a time and materials basis and subject to authorization by the Department.

**PROJECT SCHEDULE:** This is a **fast track project**. The consultant should be able to complete the preparation of the draft environmental document by January, 2006. The project is not expected to require any additional field surveys or new technical studies. A proposed project schedule is provided below.

Project Initiation	5/2/05
Alternative Refinement	5/2/05- 6/30/05
Complete Preparation of Administrative Draft PEIR/EIS	6/1/05-9/30/05
Administrative Draft PEIR/EIS Review and Revision	10/1/05-11/18/05
Screen Check Draft PEIR/EIS	11/21/05-12/9/05
* Draft PEIR/EIS released for public review	1/5/06-3/6/06
Review and response to public comments	2/1/06-4/7/06
Prepare Administrative Final PEIR/EIS	4/10/06-6/9/06
Administrative Final PEIR/EIS Review and Revision	6/12/06-6/30/06
**Final PEIR/EIS released and 30-day review	7/10/06-8/11/06
***Earliest date that Record of Decision can be signed	9/11/06

\* The schedule requires a 90-day public review period for the Draft PEIR/EIS.

\*\*Final PEIR/EIS release date assumes minimal comment and revision to the Draft PEIR/EIS. Initiation of formal consultation will be completed in sufficient time to allow release of the Final PEIR/EIS.

\*\*\*The earliest the Record of Decision can be signed is 30 days after EPA publishes notification of the Final PEIS/EIR filing in the Federal Register.

## **B. STATEMENT OF QUALIFICATIONS**

### **1 Required Skills/Experience**

The large scope, physical area, and stakeholder community associated with the project, and the complexity of the project require the successful firm to possess a wide range of skills and experience. This subsection lists the required technical skills, and then describes the required interpersonal skills for the Project Manager and key staff.

- a Technical Skills and Experience - Technical expertise and relevant experience is required for each of the following subject areas. The subject areas are listed alphabetically and not in order of priority:

- i Biology including specific expertise in the Suisun Marsh with regard to fisheries, migratory birds, endangered species, wetland plants, introduced species, predator management, and general familiarity with ecosystem restoration and the CALFED Bay-Delta Program's ERP.
  - ii Cultural Resources Surveys and Evaluation of Ecological/Restoration Planning and Design pertaining to estuarine environments, with specific expertise in tidal marsh restoration, managed pond restoration and management, and managed wetlands, and a thorough knowledge of existing plans and policies pertaining to wetlands in the Bay Area.
  - iii Levee Maintenance and Management including related knowledge of state and federal requirements and the CALFED Bay-Delta Program Levee Program, geotechnical engineering and levee design, and relative costs of alternative levee management approaches.
  - iv Geomorphology and Sediment Dynamics including related modeling
  - v Hydrodynamics (fluvial and tidal), including related modeling to assess how alternatives such as configurations of tidal marsh restoration may impact water quality, maintenance of tidal sloughs, etc.
  - vi Mercury Cycling/Mercury Methylation
  - vii Monitoring and Adaptive Management
  - viii NEPA/CEQA/Environmental Impact Analysis
  - ix Permitting (federal, state, and local)
  - x Public Access and Recreation Planning, with specific expertise regarding public recreation and access in or adjacent to sensitive habitats.
  - xi Resource Economics
  - xii Science-based Adaptive Management,
  - xiii Sediment Reuse, including knowledge of sediment sources, screening criteria, and placement
  - xiv Socioeconomics
  - xv Vector Control, particularly in regard to wetland restoration and management
  - xvi Water and Sediment Quality, including related modeling
  - xvii Wetlands, including management of seasonal wetlands, duck clubs, tidal wetlands, tidal wetlands restoration
- b Project Manager and Key Staff The abilities of the Project Manager and key staff will be crucial to the success of the project. Key staff are defined as major task managers, and other staff that have a central role in ensuring the success of the project. This project poses multiple project management challenges, which require an experienced Project Manager and key staff. In particular, meeting the project schedule and ensuring that effective project-related communications are maintained requires a high level of organizational and leadership ability.

The Project Manager and key staff must have demonstrated organizational skills and a proven track record of delivering on time. The Project Manager and key staff must have experience managing and working on large, complex, multi-agency, multi-objective projects, including projects that require balancing competing objectives. In addition, the Project Manager and key staff must have excellent interpersonal, and written and oral communications skills. The Project Manager must be experienced at making presentations to a wide range of audiences, including the general public, and must be able to interact effectively with a wide range of stakeholders. Similarly, key staff should also be experienced with making presentations, and be able to communicate effectively with a wide range of people. References will be required for the Project Manager, and may be required for other staff. Due to the complexity of the project, the Department prefers that the Project Manager and some of the key staff have prior direct experience working together.

- c Other Requirements - In addition to the skills and experience requirements outlined above, the following requirements apply:
- i Relationship of Project Manager to Lead Consultant Firm: If the submittal is by a consultant team, the Project Manager shall be an employee of the lead consultant firm.
  - ii Commitment of Overall Project Manager: The consultant must guarantee that the Project Manager will be made available to the project for the duration of the project (unless that individual leaves the firm). A minimum availability requirement shall be defined as part of the contract negotiations.

iii CEQ Sec. 1506.5 Agency responsibility.

**The successful firm shall be required to execute a disclosure statement prepared by the lead agency** in accordance with CEQ Sec 1506.5 (c) Environmental impact statements. Except as provided in Secs. 1506.2 and 1506.3 any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or where appropriate under Sec. 1501.6(b), a cooperating agency. It is the intent of these regulations that the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a cooperating agency to avoid any conflict of interest. The successful firm shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency, specifying that they have no financial or other interest in the outcome of the project. If the document is prepared by contract, the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents. Nothing in this section is intended to prohibit any agency from requesting any person to submit information to it or to prohibit any person from submitting information to any agency.

2 Information To Be Included In Submittal

- a All SOQs must be submitted under **sealed** cover and sent to the California Department of Fish and Game by dates and times shown in Section F), Timetable of Events. Proposals received after this date and time will not be considered.
- b A minimum of eight (8) copies of the SOQ must be submitted.
- c The original SOQ must be marked "ORIGINAL COPY". All documents contained in the original SOQ package must have original signatures and must be signed by a person who is authorized to bind the firm. All additional SOQ sets may contain photocopies of the original package.
- d The SOQ envelopes must be plainly marked with the RFQ number and title, your firm name and address, and must be marked with "DO NOT OPEN", as shown in the following example and delivered to:

DEPARTMENT OF FISH AND GAME  
CENTRAL VALLEY BAY-DELTA BRANCH  
4001 NORTH WILSON WAY  
STOCKTON, CA 95205  
(RFQ # 0401)  
Statement of Qualifications

PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT  
STATEMENT FOR THE HABITAT MANAGEMENT, PRESERVATION, AND RESTORATION PLAN FOR  
THE SUISUN MARSH

DO NOT OPEN

If the SOQ is submitted under a fictitious name or business title, the actual legal name of firm must be provided.

Proposals not submitted under sealed cover and marked as indicated may be rejected.

- e All SOQs shall include the documents identified in Attachment 1, Required Attachment Checklist. SOQs not including the proper "required attachments" shall be deemed non-responsive. A non-responsive proposal is one that does not meet the basic proposal requirements.
- f Mail or deliver proposals to the following address:

U.S. Postal Service Deliveries      Hand Deliveries      (UPS, Express Mail, Federal Express)

DEPARTMENT OF FISH AND GAME  
CENTRAL VALLEY BAY-DELTA BRANCH  
4001 NORTH WILSON WAY  
STOCKTON, CA 95205

- i. A firm may modify an SOQ after its submission by withdrawing its original SOQ and resubmitting a new SOQ prior to the SOQ submission deadline as set forth in the Key Action Dates. SOQ modifications offered in any other manner, oral or written, will not be considered.
- j. A firm may withdraw its SOQ by submitting a written withdrawal request to the State, signed by the firm or an authorized agent in accordance with h) above. A firm may thereafter submit a new SOQ prior to the submission deadline. SOQs may not be withdrawn without cause subsequent to submission deadline.
- k. The awarding agency may modify the RFQ prior to the date fixed for submission of SOQs by the issuance of an addendum to all parties who received an RFQ package.
- l. The awarding agency reserves the right to reject all SOQs. The agency is not required to award an agreement.
- m. Before submitting a response to this solicitation, firms should review, correct all errors and confirm compliance with the RFQ requirements.
- n. More than one SOQ from an individual, firm, partnership, corporation or association under the same or different names, will not be considered.
- o. No oral understanding or agreement shall be binding on either party.

### 3. Format Of Submittal

Statements of Qualifications (SOQ) must be in the following format and contain the information listed below. The total page limit for the body of the submittal is 10 pages, divided as follows and described below: (This limit does not include figures, organizational charts, and appendices)

- a. Team Organization, Qualifications and Required Skills and Experience:  
The page limit for Team Organization is 2 pages. The page limit for Qualifications and Required Skills and Experience is 8 pages. This section shall include the following information:
  - i. Team Organization
    - (a) Description of how your project team (whether consisting of staff from one firm exclusively, or of multiple firms) will be organized. Please identify the Project Manager and key staff by name and physical location (and firm affiliation, if appropriate), and provide a project organization chart showing how your team is organized. Specific roles to be included in this discussion include the Project Manager, major task managers, and critical technical experts. Key staff may include the major task managers and critical technical experts. Please identify individuals you consider to be key staff, and name at least one staff person who will act as a back-up for each key staff person (while these back-up individuals are not considered key staff, and are not required to be committed to the project in the long-term, the Project Management Team emphasizes that there will be a great need for continuity on this project).
    - (b) For consultant teams, please specify whether/which team firms have worked together on projects in the past, and provide a brief listing of the projects and the firms that worked on the projects.
    - (c) Longevity of firm and amount of turnover (for teams, please provide this information for each member firm of the team). Indicate the length of time Project Manager and key staff have been with the firm.
  - ii. Qualifications and Required Skills and Experience
    - (a) Please describe the qualifications skills and experience of your firm/team as they apply to this RFQ. In accordance with Section B.1, pages 9 – 11 herein. Explain how the firm/team has obtained the required skills, experience and expertise relevant to the various technical tasks. This section should include a brief overview of the firm/each firm on the team and a biographical sketch for the Project Manager and all key staff. Please provide an overview of the Project Manager's and key staff's experience. This overview counts towards the 8 page limit (i.e. it should not be an appendix).
    - (b) Resumes shall be provided in an appendix. Resumes must be provided for the Project Manager, principal-in-charge, and all key staff. Resumes for other staff are optional. Individual resumes must be no more than 2 pages in length, and no more than 20 resumes may be included in the submittal. Resumes do not count toward the 8 page limit.

**b. References**

References for the firm's SOQ: Please provide 5 to 10 relevant project references for services similar to RFQ #0401, who can attest to your firm's Statement of Qualifications (if the submittal is by a consultant team, this limit applies to the total number of all project references from the entire team) The references/descriptions shall be submitted in the format and form provided as Attachment 2. References do not count toward the 10 page limit. Each project references is limited to one page. Consultant teams are encouraged to provide project references for projects that included work by two or more firms on the team. The project references/descriptions must contain the following information:

- i value of contract to consultant(s)
- ii dates of services
- iii approximate cost of entire project
- iv specific description of what the firm(s) did on the project
- v client name and contact information
- vi project description/background
- vii how the project relates to long-term restoration planning effort
- viii staff who worked on project who are key staff identified in the submittal (including the Project Manager), and firm office(s) conducting the work
- ix Rate of staff changeover during project period of performance
- x Where multiple offices of one firm or multiple firms on a consultant team worked on one project, please identify which services were contributed by which office/firm, and the approximate contract value to each office/firm.

Project Manager References: Please submit three (3) references for the Project Manager who can substantiate the Project Manager's ability to deliver a complex, multi-stakeholder schedule on a compressed schedule on time and within budget. The Project Manager need not be a technical expert, but must be an expert Project Manager.

**4. RFQ Questions**

Questions on the RFQ should be directed to:

LAURIE BRIDEN, DEPARTMENT OF FISH AND GAME  
CENTRAL VALLEY BAY-DELTA BRANCH  
4001 NORTH WILSON WAY  
STOCKTON, CA 95205  
(209) 948-7800  
lbriden@delta.dfg.ca.gov

Questions will be accepted in writing (via e-mail or regular mail). All questions must be received no later than [December 29, 2004](#). Questions and responses will be updated periodically and made available on the project website (<http://www.delta.dfg.ca.gov/suisunmarsh/charter/>) all interested parties. The final version of the questions and responses document will be posted by [January 10, 2005](#). It is the responsibility of the consultant firm/team to check the website to determine whether additional questions and answers and/or clarifications have been posted.

**C) ADDENDA**

Prior to the date set for submission of SOQs, the Department may modify this RFQ by issuance of one or more Addenda. Addenda will be posted via the Office of Small Business Certification and Resources (OSBCR) California State Contracts Register website. OSBCR is an office under the State Department of General Services. The website address is: <http://www.cscr.dgs.ca.gov/cscr/>

All firms that are on record with the Department as having received or requested the RFQ will receive all addenda via Registered Mail with verification of receipt returned to the Department.

**D) CRITERIA FOR RANKING SOQS**

Firms with the necessary expertise and resources to perform the work described herein are asked to submit a Statement of Qualifications package. Those firms judged to be the best qualified to undertake the work will be interviewed by the Department's selection committee. A contract will be negotiated with the best qualified firm after interviews are conducted and the selection committee ranks the firms.

The criteria for selection include:

- Demonstrated competence, including:
  - Specialized qualifications for the services to be performed, as described under Technical Skills and Experience
  - The firm's/team's past experience with similar projects
  - The education and experience of key personnel, including the Project Manager
  - The firm/team's management approach including the firm's/team's ability to meet the project schedule; and
  - The firm/team's technical approach
- Overall quality of the firm/team as reflected in the submittal, including:
  - The nature and quality of the firm(s)'s past completed work;
  - The longevity of the firm(s) and amount of staff turnover; and
  - The clarity and completeness of the written submittal.
- The firm/teams Management approach and Technical methodology as demonstrated during the interview process

Any contract to be awarded as a result of this Request for Qualifications process will be awarded without discrimination based on race, color, religion, sex, or national origin. The firm(s) finally selected must comply with all applicable laws, rules and regulations.

**E) WITHDRAWAL AND DISPOSITION OF SOQs**

It is the Department's policy not to solicit SOQs unless there is a bona fide intention to award a contract. However, the Department reserves the right to withdraw this RFQ at any time, and to accept or reject all SOQs received as a result of this RFQ. This RFQ does not commit the Department to award a contract or to be responsible or liable in any manner for any risks, costs or expenses incurred in the preparation of a SOQ in response to this RFQ.

Upon contract award, all documents submitted in response to this RFQ will become the property of the State of California, and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public. The State cannot prevent the disclosure of public documents. Do not disclose sensitive, confidential, or privileged information.

**F) TIMETABLE OF EVENTS**

**SOQ Due Date:** To be considered, submit **eight (8)** copies of your Statement of Qualifications along with all required attachments by **January 21, 2005** no later than **12:00** p.m.(noon), addressed as follows to:

DEPARTMENT OF FISH AND GAME  
CENTRAL VALLEY BAY-DELTA BRANCH  
4001 NORTH WILSON WAY  
STOCKTON, CA 95205  
(RFQ # 0401)

PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT  
STATEMENT FOR THE HABITAT MANAGEMENT, PRESERVATION, AND RESTORATION PLAN FOR  
THE SUISUN MARSH

DO NOT OPEN

**G) INTERVIEW PROCESS**

The Department's selection committee will evaluate each Statement of Qualifications. Those proposers judged to be the best qualified to undertake the work will be interviewed and ranked by the Department's selection committee. Proposers selected for interviews will be notified by [February 2, 2005](#) and must be available for interviews during the week of February 14 through 18, [2005](#). Interviews will be conducted at DFG Central Valley Bay-Delta Branch Office at 4001 North Wilson Way, Stockton, California. The interviews will focus on the Sections B, Statement of Qualifications, and C, Selection Process.

Interviews will be conducted by a panel composed of representatives from the seven Principal agencies and the Lead Scientist if retained. Final scores will be a combination of the score on the written submittal and the interview.

The interview will last approximately 90 minutes; 15 minutes have been set aside for the presentation by the consultant. The consultant firm/team may bring a maximum of 8 people to the interview; the proposed Project Manager and at least 2 key staff must be present. The interviews will focus on the Section C. Criteria for Ranking SOQs, and the firm's management approach and technical methodology.

**H) DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION PROGRAM REQUIREMENTS (Refer to Attachment 3)**

The Department has a goal to award at least 3% of the annual contract dollars to certified DVBEs. Your SOQ must address how you intend to meet the DVBE goal, or you must document your "good faith effort" to obtain DVBE participation. If you do not respond to the DVBE requirements and attach all required forms, your SOQ will be considered "non-responsive" and ineligible for award. There are three options available for meeting the DVBE requirements:

1. Commit to full DVBE participation. Locate and commit to using certified DVBE firms who will perform at least 3% of the work. (complete and attach DVBE Participation Summary - Std. 840 form, see Attachment 3).
2. If the proposer is unable to subcontract with a DVBE for at least 3% of the work to be provided, documentation of completing all 5 steps of the good faith effort to obtain participation must be submitted (complete and attach Exhibit A, see Attachment 3).
3. Reference a Department of General Services approved DVBE Utilization Plan.

**Attachment 1****Required Document Checklist**

A complete Statement of Qualifications package will consist of the items identified below. Submit an original and **eight (8) copies** of each document requested.

Place a check mark or "x" next to each item that you are submitting. For your solicitation to be considered responsive, all required documents must be included in your package. Include this checklist with your SOQ package.

<b><u>Document</u></b>	<b><u>Document Name/Description</u></b>
_____	Transmittal Letter
_____	Team Organization Summary (2 pages)
_____	Qualifications, Skills and Experience Summary (8 pages)
_____	Attachment 1 – Required Document Checklist
_____	Attachment 2 – SOQ References
_____	Attachment 3 – DVBE Participation Summary (Std. 840)
_____	Attachment 3 - *DVBE Good Faith Effort (Exhibit A)
	<b>APPENDICIES</b>
_____	Organizational charts
_____	Resumes (up to 20 @ 2 pages each)
_____	3 References for Project Managers

**\* NOTE: The DVBE Good Faith Effort (Exhibit A) Form is only required to be submitted if you are unable to locate a DVBE subcontractor.**

**Attachment 2**

**RFQ #0401 SOQ References**

Provide 5-10 references of similar types of services performed within the last five years. Please provide the requested information in the format and form provided below (make additional copies of this form as needed). If 5-10 references cannot be provided, please explain why on an attached sheet of paper.

**REFERENCE #\_\_**

Name of Firm

Street Address

City

State

Zip Code

Contact Person

Telephone Number

Dates of Service

Value or Cost of Service

Approximate cost of entire project

Project Description /Background

Specific description of what the firm(s) did on the project

How the project relates to long-term restoration planning effort

Staff who worked on project who are key staff identified in the submittal (including the Project Manager), and firm official(s) conducting work

Rate of staff changeover during project period of performance

Where multiple offices of one firm or multiple firms on a consultant team worked on the project, please identify which services were contributed by which office/firm, and the approximate contract value to each office./firm

**DISABLED VETERAN BUSINESS ENTERPRISE  
PARTICIPATION PROGRAM REQUIREMENTS****PLEASE READ THESE INSTRUCTIONS CAREFULLY**

Public Contract Code Section 10115 et seq. establishes the Disabled Veteran Business Enterprise (DVBE) Participation Program. The DVBE program requires that state agencies have a goal to award at least 3% of their annual contract dollars to certified DVBEs. Bidders must meet DVBE Participation Program requirements for this solicitation. This attachment provides program information and bidder responsibilities. If the bidder does not respond to DVBE participation requirements, including the submission of all requested forms and supporting documentation, the bid will be considered non responsive and ineligible for award.

For assistance regarding DVBE participation for this solicitation, please contact the Department of Fish and Game's Contracting Official listed below:

Karen Boulet (916) 651-6149

Email: [kboulet@dfg.ca.gov](mailto:kboulet@dfg.ca.gov)

or

Teri Edwards (916) 651-8608

Email: [tedwards@dfg.ca.gov](mailto:tedwards@dfg.ca.gov)

California Department of Fish and Game  
1416 Ninth Street  
Sacramento, CA 95814  
FAX (916) 651-6000

The Department of General Services (DGS), Procurement Division, (PD), **Office of Small Business and DVBE Certification (OSBDC)** maintains a database of certified DVBEs. If you have Internet access, you can use the on-line database to obtain a list of potential DVBE subcontractors, or you can request that a hard copy be mailed by calling the number listed below.

You can find DVBEs on-line at: <http://www.pd.dgs.ca.gov/smbus/certinq.htm>

**Location**

707 3rd Street, 1st Floor, Room 400  
West Sacramento, CA 95605

**Mailing Address**

P.O. Box 989052  
West Sacramento, CA 95798-9052

**Phone Number**

Receptionist: (800) 559-5529 or (916) 375-4940

Fax: (916) 375-4950

24-Hour Recording & Mail Request call (916) 322-5060

**DVBE PARTICIPATION PROGRAM REQUIREMENTS**

The bidder must meet or exceed the goal of at least 3% DVBE participation for this solicitation and document that commitment by completing the attached DVBE Participation Summary Std. 840 form. Should efforts result in partial or no participation, in order to meet DVBE Participation Program requirements, you must document your "Good Faith Effort" to attain DVBE participation by completing the attached form, Good Faith Effort – Exhibit A.

When you are deciding what portion of the contract can best be performed by a DVBE, think broadly about all the goods and services needed to complete this contract. If you are unable to identify a specific portion

**Attachment 3**

**DVBE Package**

**Page 2**

of the proposed contract to subcontract, the State encourages bidders to avoid making a predetermination that no DVBEs are able to perform without first contacting and inquiring about participation. This allows DVBEs to respond whether they can or cannot provide any goods or perform services related to the solicitation, and provides a bidder with responses for consideration.

NOTE: A common mistake bidders make is to state that no subcontractors or suppliers are needed and that goals are not applicable, offering that all work can be done by the bidder with his/her own resources. Bidders are warned that this is not an option if their bid is to be deemed responsible.

Bidders can meet the DVBE participation goal by one of the following two (2) ways:

- 1 If you are a non - DVBE bidder: Commit to use DVBE(s) for at least 3% of the total contract bid amount and document participation.
- 2 If you are a DVBE bidder: Commit to perform at least 3% of the contract bid amount with your firm or in combination with other DVBE(s).

Once you have obtained a commitment from DVBE subcontractor(s) and/or supplier(s) to participate in 3% or more of the total contract bid amount for this solicitation, you must document the DVBE participation by completing the attached DVBE Participation Summary Form Std. 840.

Bidders must include the DVBE certification number assigned by OSBDC for each participating DVBE bidder, subcontractor and/or supplier. Verification of DVBE certification numbers can be made by Internet query at the following web address <http://www.pd.dgs.ca.gov/smbus/certinq.htm>

Bidders who are unable to fulfill the DVBE participation goal, must document their "Good Faith Efforts" regarding outreach at locating and inviting DVBEs to bid on this solicitation as described on the next pages.

### **GOOD FAITH EFFORT**

The bidder must meet or exceed the minimum DVBE participation goal (at least 3% of the total contract dollar amount), or demonstrate that they made a "Good Faith Effort" to achieve participation. The law intends DVBE participation, however should a bid be submitted with less than minimum participation, the bidder must make and document their efforts to attain participation. Submit with your bid, the attached Good Faith Effort Documentation – Exhibit A, (including all requested supporting documents) to document all five good faith effort steps you have taken to meet participation goals.

The five legally defined "Good Faith Effort" steps are:

- |        |  |
|--------|--|
| Step 1 | Outreach, Awarding Department                          |
| Step 2 | Outreach, Other State, Federal and Local Organizations |
| Step 3 | Advertising  |
| Step 4 | Invitations to Bid                                     |
| Step 5 | Consider Responses                                     |

Detailed action for completion of each step is listed below:

#### **Step 1 - Outreach, Awarding Department**

Contact one of the DFG Contracting Officials listed below:

Karen Boulet (916) 651-6149 email: [kboulet@dfg.ca.gov](mailto:kboulet@dfg.ca.gov)  
or  
Teri Edwards (916) 651-8608 email: [tedwards@dfg.ca.gov](mailto:tedwards@dfg.ca.gov)

The contact purpose is to identify potential DVBE subcontractors and/or suppliers, not merely to request the bid package. The DFG Contract Official may refer you to other resource or service providers including the DVBE Website.

## Step 2 - Outreach, Other State, Federal and Local Organizations

- **State** – View the OSBDC website to access the DVBE search engine at the following web address:

<http://www.pd.dgs.ca.gov/smbus/certinq.htm>

OSBDC provides an electronic search engine with a database that lists all currently certified State of California DVBE firms. The search engine allows two separate types of queries (either keyword query or standard query).

- Keyword Query  
Allows you to find DVBEs by business type, business name, city and/or zip code.
- Standard Query  
Allows you to find real-time information and certification status of DVBE firms including certification type, certification number, Standard Industrial Classification (SIC) code and service area location. You can also print or download the certified DVBE listing to create your own customized list (updated daily).
- **Federal** – Contact the Small Business Administration (SBA). The SBA provides an electronic search engine, containing business profiles on nearly 200,000 businesses, including certified and non-certified disabled veteran owned businesses. The electronic search engine, PRO-Net, may be accessed at <http://pronet.sba.gov>. Bidders should be careful to verify that firms identified on PRO-Net are State of California certified DVBEs.
- **Local** - The OSBDC publishes the "DVBE Resource Packet" to assist bidders in meeting participation requirements. The "DVBE Resource Packet" is available for download at the following website: <http://www.documents.dgs.ca.gov/pd/dvbe/resource.pdf>  
The packet may also be mailed at your request by calling (800) 559-5529. Document requests and results. Contact listed local organizations to identify potential DVBE subcontractors/supplier. Document contact(s) and results.

## Step 3 - Advertisements

- In accordance with PCC Section 10115.2(b) (3), bidders must advertise in at least one Trade and one Focus publication (**minimum two ads**), unless the DVBE participation goal is satisfied. **Advertising is mandatory and ads must be published a minimum of 14 days prior to bid opening date.** Trade and Focus Paper definitions along with an approved listing of Trade and Focus publication names, phone numbers and addresses are available in the DVBE Resource Packet (web site address is listed above).
- Typically, advertisements should be specific enough to encourage responses from potential DVBE subcontractors and suppliers and include information such as the following:

Identify awarding department  
Identify the solicitation  
State bid opening date  
Identify the type of work available for subcontractors or the suppliers needed  
Request bids or quotes from DVBE subcontractors or suppliers  
Specify the geographical area and location in which the work will take place  
Prime Bidder Contact name, address, phone, fax, email

- **Bidders must list publication names and advertisement dates and attach a copy of their published ads with the Good Faith Documentation, Exhibit A.**

#### **Step 4 - Invitations to Bid**

Invite identified DVBE subcontractors/suppliers to bid. Steps 1-3 should have produced a list of potential DVBEs.

- **Solicitation Sample** - include a sample of the solicitation sent (letter, fax, e-mail) and/or document discussions made by phone with DVBE firms. If contact was made by phone, document the conversation, date, time, contact person, phone number, and business opportunities discussed.
- **Bidders List** - Include the list of DVBEs invited to bid and list on the Good Faith Effort Documentation, Exhibit A.

#### **Step 5 - Consider responses**

Bidders must consider responding DVBEs for contract participation. Consideration should be based upon business reasons and the same criteria apply to all potential subcontractors/suppliers. List on Exhibit A those firms from your bidders list that responded to your, Step 4, Invitation to Bid. Indicate using the word "selected" if a firm was selected for participation, or provide the business reason for non-selection.

NOTE: Firms shown as selected are to be listed on the attached Disabled Veteran Business Enterprise Participation Summary form STD 840. If you have exhausted all avenues to attain DVBE bid responses, and no responses were received, indicate "none" on form STD 840.

#### **Disabled Veteran Business Enterprise Participation Summary (Std. 840)**

**This form MUST be completed whether the program participation goal is achieved or a "Good Faith Effort" is made and documented.** Failure to complete and return this attachment with your bid will result in your bid being deemed non responsive and rejected. The Disabled Veteran Business Enterprise Participation Summary, Std. 840 form may be obtained and printed from the following Internet site:

<http://www.documents.dgs.ca.gov/pd/dvbe/std840.pdf>

If you do not have internet access, you may request that a hard copy be mailed or faxed to you by contacting the DFG Contracting Official or the OSBDC (numbers listed on front page).

#### **Good Faith Effort Documentation – Exhibit A**

**Submission of this form is mandatory if you have been unsuccessful in meeting the DVBE participation goal.** Failure to submit the completed Good Faith Effort Documentation will result in the bid being deemed non responsive and rejected. The Good Faith Effort Documentation – Exhibit A may be obtained and printed from the following Internet site:

If you do not have internet access, you may request that a hard copy be mailed or faxed to you by contacting the DFG Contracting Official or the OSBDC (numbers listed on front page).

**Attachment 3  
DVBE Package  
Page 5**

**ANSWERS TO FREQUENTLY ASKED QUESTIONS:**

The following questions are among the most frequently asked regarding DVBE requirements:

**1. If I am awarded the contract, either with partial or full goal attainment documented, am I required to use the subcontractor/supplier proposed in my bid?**

A: Yes, unless you have requested and received substitution approval from the State. Written requests should include: The person's name or firm name to be substituted, the substitution reason, the reason a non-DVBE subcontractor is proposed, if applicable, along with a description of the business to be substituted including its business status as a sole proprietorship, partnership, corporation or other entity, and the certification status of the firm, if any.

See California Code of Regulations Section 1896.64 (c) & (d) for substitution criteria.

The substitution request of the contractor, and the State's approval or disapproval is not to be construed as an excuse for noncompliance with any other provision of the law, including but not limited to the Subletting and Subcontracting Fair Practices Act or any other contract requirements relating to substitution of subcontractors. Failure to adhere to at least the DVBE participation proposed by the successful contractor may be cause for contract termination and recovery of damages under the rights and remedies due the State for default and any other penalties provided for by statute.

**2. Q: Who notifies the subcontractor when an award is made?**

A: Upon being awarded a bid, the prime contractor should immediately notify their listed subcontractors of their contract participation and formalize their business agreements. The awarding department may also notify listed subcontractors to verify their contract participation.

**3. Q: What happens to bids considered non-responsive to the DVBE Participation Program requirements?**

A: Non-responsive bids are rejected. Many are rejected because of: incomplete documentation, documentation not received by bid due date, mathematical errors related to the percentages, and basing goal attainment on workforce composition.

**4. Q: If I am a certified disabled veteran business enterprise, can I meet the 3% contract goal as a single company? A: Yes**